

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DWAYNE ANTHONY SMILEY, SR.

§

VS.

§

CIVIL ACTION NO. 1:17cv277

ISSAM HARMOUSH, ET AL.

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Dwayne Anthony Smiley, Sr., an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled lawsuit.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the above-styled action be dismissed for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. As detailed in the Report, plaintiff contends it is not necessary for him to submit an application to proceed *in forma pauperis* because he submitted a notice to the court that he filed a "BOND" and a "BILL OF EXCHANGE." Additionally, in his objections, plaintiff argues that the court should

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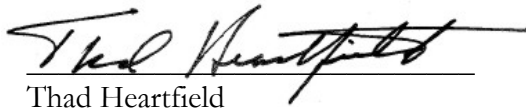
<sup>1</sup> Plaintiff filed a "NOTICE and DEMAND FOR RECIPIENT COPIES for DISCHARGING SETTLEMENT OF ALL ACCOUNTS ISSUED IN THIS CASE ATTRIBUTED TO THE UNITED STATES TREASURY/DEPARTMENT OF THE TREASURE FOR THE SUM CERTAIN IN THIS ACCOUNT/CASE; (sic)" Interpreted liberally, plaintiff's notice is construed as objections to the Report and Recommendation of the Magistrate Judge.

“[m]ake [Magistrate Judge] Keith Giblin aware that this case is BONDED and NO INFORMAL PAUPERIS IS NEEDED IN THIS CASE.” Plaintiff refuses to comply with the order of the court to either pay the filing fee or submit a proper application to proceed *in forma pauperis*. Therefore, the action should be dismissed for want of prosecution.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED** this the **19** day of **March, 2018**.

  
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Thad Heartfield  
United States District Judge